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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 30 May 2013 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

I have the honour to refer to Security Council resolution 2094 (2013), adopted on 7 March 2013, and in particular to its paragraph 25, by which the Council calls upon all Member States to report on measures they have taken to implement the provisions of the resolution. The Permanent Mission of Mexico wishes to transmit herewith the comments of the Government of Mexico in that connection (see annex).

(*Signed*) Luis Alfonso **de Alba**
Ambassador
Permanent Representative

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Annex to the letter dated 30 May 2013 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

Report of Mexico regarding resolution 2094 (2013)

Pursuant to Security Council resolution 2094 (2013) on sanctions against the Democratic People's Republic of Korea, in particular its paragraph 25, by which the Council calls upon all Member States to report on measures they have taken to implement the provisions of the resolution, Mexico hereby submits to the Security Council Committee established pursuant to resolution 1718 (2006) the national measures it has taken in that regard, taking into consideration the information provided by various Government agencies in areas within their purview.

Travel ban

On 5 April 2013, the General Directorate of Consular Services of the Ministry of Foreign Affairs instructed all Mexican diplomatic missions abroad to ensure that all visa applications from nationals of the Democratic People's Republic of Korea are reviewed by the Ministry of Foreign Affairs before taking any action, regardless of the type of visa requested (whether regular or non-regular), including from applicants who have been assigned a special application number by the National Immigration Institute to conduct any type of activity in Mexico.

The General Directorate of Consular Services also asked all diplomatic missions to consult it when they receive applications for entry into Mexican territory from nationals of the Democratic People's Republic of Korea.

The General Directorate of Consular Services shall also provide the National Immigration Institute with data on individuals who are subject to a travel ban, for inclusion on the immigration control lists, in order to prevent the entry into or transit through the national territory of such individuals, pursuant to articles 95 and 96 of the Regulations of the Immigration Act and article 23, section IX, of the Internal Rules of Procedure of the Ministry of Foreign Affairs.

The National Immigration Alert Centre of the National Immigration Institute is responsible for updating the immigration control lists, which contain the names of persons and entities that are subject to a travel ban issued by the Security Council Committee established pursuant to resolution 1718 (2006).

The unit responsible for updating the immigration control lists of the National Immigration Institute shall be inputting information on the persons listed in annex I of resolution 2094 (2013). If the General Directorate of Immigration Regulations and Archives of the National Immigration Institute receives an application from such foreigners for entry into or transit through the national territory, it shall first check the records in order to ensure that the unit responsible for processing the application has justification to issue a negative response.

Trade restrictions

The Mexican Government is enforcing the trade embargo against the Democratic People's Republic of Korea and prohibits the acquisition or delivery of items subject to the provisions of Security Council resolutions 1695 (2006),

1718 (2006) and 1874 (2009) by means of an administrative agreement. This agreement is consistent with the Constitution and allows the President of the Republic, or the Ministry of Foreign Affairs or the Ministry of Economic Affairs, acting on behalf of the President, to ban the export or import of goods.

The current text of the agreement was published in the Official Gazette on 29 November 2012. In its article 8, the agreement prohibits the export to or import from the Democratic People's Republic of Korea of various goods (luxury items, missiles or related items, materials and goods) that are subject to Security Council sanctions.

Under Mexican law, the provisions set out in the agreement are a matter of public policy and apply throughout the national territory; accordingly, compliance with the agreement is mandatory for all persons and entities wishing to export or import the goods referred to in the agreement.

Arms embargo

Under the Mexican legal system, the sale of firearms to all persons and entities is controlled through the Federal Firearms and Explosives Act and its regulations.

In that connection, the Ministry of Defence is an ex officio participant in the work of the Committee for Controlling the Export of Dual-Use Goods, Software and Technologies, in accordance with the administrative agreement. Under that agreement, a permit must be obtained from the Ministry of Economic Affairs for the export of conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction (Wassenaar Arrangement).

The National Nuclear Safety and Safeguards Commission considers that the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013 constitutes a threat to international peace and security and an incentive for the proliferation of weapons of mass destruction. The Commission also endorses the need to maintain the global regime of non-proliferation of nuclear weapons, as referred to in the preamble to resolution 2094 (2013).

The Commission urges subjects of international public law to call on the Democratic People's Republic of Korea to return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, as set forth in paragraphs 4 and 5 of resolution 2094 (2013), as such action is of vital importance for maintaining international peace and security.

The Commission considers that the uranium enrichment activities of the Democratic People's Republic of Korea must be brought under the IAEA safeguards verification system, to ensure that they do not pose a danger to international peace and security, as set out in paragraph 5 of resolution 2094 (2013).

With respect to paragraph 7 of resolution 2094 (2013), which makes reference to paragraph 8 (a) (ii) of resolution 1718 (2006) and paragraphs 9 and 10 of resolution 1874 (2009), the Commission notes that, based its analysis, some of the items and materials listed in annex III of resolution 2094 (2013) are subject to its export controls. As a result, it does not allow the export of such items and materials to the Democratic People's Republic of Korea, in accordance with paragraphs 20 and 22 of this resolution.

With regard to paragraph 8 (c) of resolution 1718 (2006), the Commission prevents any transfers to the Democratic People's Republic of Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of nuclear materials or equipment.

Inspection of goods and interception of ships and aircraft

In order to comply with cargo inspection requirements at ports and airports, and on ships and aircraft, both in Mexican territory and on the high seas, in connection with the sanctions imposed on the Democratic People's Republic of Korea by resolution 1874 (2009), the Ministry of the Navy and the Ministry of Finance and Public Credit apply the following legal instruments:

- Federal Civil Service Organization Act
- Federal Oceans Act
- Ministry of the Navy Organization Act
- United Nations Convention on the Law of the Sea (Jamaica, 1982)
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005).

The administrative framework of the Ministry of the Navy, specifically with regard to the coordination and cooperation agreement between the Ministry of the Navy and the General Customs Administration (the current text of which was published in the Official Gazette on 21 January 2009), provides for the implementation of monitoring, surveillance, protection and security measures in special tax areas and ports in Mexico.

The General Directorate for Ports of the Ministry of Communications and Transport has circulated the text of resolution 2094 (2013) among the integrated port authorities so that they could monitor implementation of the recommendations contained in the resolution, in areas within their purview.

The General Directorate for Rail and Multimodal Transport of the Ministry of Communications and Transport has asked the legal representatives of the rail operators — Ferrocarril Suburbanos, Ferrosur and Ferrocarril — to circulate the relevant instructions to allow them to implement the measures set out in Security Council resolutions 2087 (2013) and 2094 (2013), in areas within their purview.